

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 15, 2019

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

HB19-1210 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 4, line 18, strike "and (6)" and substitute
2 "(6), (7), (8), and (9)".

3 Page 5, lines 6 and 7, strike "PERFORMING WORK WHILE PHYSICALLY
4 WITHIN" and substitute "PERFORMING, OR EXPECTED TO PERFORM, FOUR
5 OR MORE HOURS OF WORK FOR AN EMPLOYER IN ANY GIVEN WEEK WITHIN
6 THE GEOGRAPHIC BOUNDARIES OF".

7 Page 5, line 12, strike "LAW." and substitute "LAW; EXCEPT THAT A LOCAL
8 GOVERNMENT THAT ENACTS A MINIMUM WAGE IN ACCORDANCE WITH THIS
9 SUBSECTION (3) SHALL PROVIDE A TIP OFFSET FOR EMPLOYEES OF ANY
10 BUSINESS OR ENTERPRISE THAT PREPARES AND OFFERS FOR SALE FOOD OR
11 BEVERAGES FOR CONSUMPTION EITHER ON OR OFF THE PREMISES LESS
12 THAN OR EQUAL TO THE TIP OFFSET PROVIDED IN SECTION 15 OF ARTICLE
13 XVIII OF THE STATE CONSTITUTION. THE TIP OFFSET APPLIES ONLY TO
14 EMPLOYEES WHO REGULARLY RECEIVE TIPS AND ONLY WHEN A TIP OFFSET
15 IS PERMITTED BY STATE LAW. A LOCAL GOVERNMENT SHALL NOT INCLUDE
16 IN ITS MINIMUM WAGE LAWS TIME SPENT IN THE LOCAL GOVERNMENT'S
17 JURISDICTION BY AN EMPLOYEE SOLELY FOR THE PURPOSE OF TRAVELING
18 THROUGH THE LOCAL GOVERNMENT'S JURISDICTION FROM A POINT OF
19 ORIGIN OUTSIDE OF THE LOCAL GOVERNMENT'S BOUNDARIES TO A
20 DESTINATION OUTSIDE OF THE LOCAL GOVERNMENT'S BOUNDARIES, WITH
21 NO EMPLOYMENT-RELATED OR COMMERCIAL STOPS IN THE LOCAL
22 GOVERNMENT'S JURISDICTION, EXCEPT FOR REFUELING OR THE EMPLOYEE'S

1 PERSONAL MEALS OR ERRANDS."

2 Page 6, after line 26 insert:

3 "(d) BEFORE ENACTING A MINIMUM WAGE LAW, A LOCAL
4 GOVERNMENT SHALL CONSULT WITH SURROUNDING LOCAL GOVERNMENTS
5 AND ENGAGE STAKEHOLDERS, INCLUDING CHAMBERS OF COMMERCE,
6 SMALL AND LARGE BUSINESSES, BUSINESSES THAT EMPLOY TIPPED
7 WORKERS, WORKERS, LABOR UNIONS, AND COMMUNITY GROUPS."

8 Page 7, after line 23 insert:

9 "(7) IF A LOCAL GOVERNMENT ENACTS A LOCAL MINIMUM WAGE
10 LAW REQUIRING A MINIMUM WAGE THAT EXCEEDS THE STATEWIDE
11 MINIMUM WAGE, THE LOCAL GOVERNMENT MAY ONLY INCREASE THE
12 LOCAL MINIMUM WAGE EACH YEAR BY UP TO ONE DOLLAR AND
13 SEVENTY-FIVE CENTS OR FIFTEEN PERCENT, WHICHEVER IS HIGHER, UNTIL
14 THE LOCAL MINIMUM WAGE REACHES THE AMOUNT ENACTED BY THE
15 LOCAL GOVERNMENT.

16 (8) (a) BY JULY 1, 2021, THE EXECUTIVE DIRECTOR OF THE
17 DEPARTMENT OF LABOR AND EMPLOYMENT SHALL ISSUE A WRITTEN
18 REPORT REGARDING LOCAL MINIMUM WAGE LAWS IN THE STATE. THE
19 REPORT MUST INCLUDE THE LOCATION, NATURE, AND SCOPE OF ENACTED
20 LOCAL MINIMUM WAGE LAWS. TO THE EXTENT FEASIBLE, THE EXECUTIVE
21 DIRECTOR SHALL ALSO INCLUDE IN THE REPORT ECONOMIC DATA,
22 INCLUDING JOBS, EARNINGS, AND SALES TAX REVENUE, IN THE
23 JURISDICTION OF ANY LOCAL GOVERNMENT THAT HAS ENACTED A LOCAL
24 MINIMUM WAGE LAW PURSUANT TO THIS SECTION, AS WELL AS DATA FOR
25 NEIGHBORING JURISDICTIONS, RELEVANT REGIONS, AND THE STATE. THE
26 REPORT MAY INCLUDE RECOMMENDATIONS FOR POSSIBLE IMPROVEMENTS
27 TO THIS SECTION.

28 (b) THE EXECUTIVE DIRECTOR SHALL UPDATE THE REPORT BY JULY
29 1 EACH YEAR THEREAFTER IF AN ADDITIONAL LOCAL GOVERNMENT
30 ENACTS A MINIMUM WAGE LAW AFTER JULY 1 OF THE YEAR PRIOR.

31 (c) (I) THE EXECUTIVE DIRECTOR SHALL SUBMIT THE REPORT
32 REQUIRED IN THIS SUBSECTION (8) TO THE SENATE LOCAL GOVERNMENT
33 COMMITTEE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND
34 LOCAL GOVERNMENT COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

35 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
36 REQUIRED IN THIS SUBSECTION (8) CONTINUES INDEFINITELY.

37 (9) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR

1 AND EMPLOYMENT SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE
2 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IF A LOCAL
3 GOVERNMENT ENACTS A MINIMUM WAGE THAT EXCEEDS THE STATEWIDE
4 MINIMUM WAGE.

5 (b) IF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
6 CARE POLICY AND FINANCING RECEIVES NOTICE PURSUANT TO SUBSECTION
7 (9)(a) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL, AS SOON AS
8 PRACTICABLE, SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE WITH
9 RECOMMENDATIONS ABOUT WHETHER PROVIDER RATES NEED TO BE
10 INCREASED TO ACCOMMODATE THE LOCAL GOVERNMENT'S MINIMUM
11 WAGE INCREASE AND IF ESTABLISHING A FUND TO PASS THROUGH THOSE
12 INCREASES TO FACILITIES IN THE JURISDICTION OF THE LOCAL
13 GOVERNMENT THAT HAS RAISED THE MINIMUM WAGE IS NECESSARY.

14 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
15 REQUIRED IN THIS SUBSECTION (9) CONTINUES INDEFINITELY."

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